

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRIMSON CANDLE SUPPLIES LLC,
on behalf of itself and all others similarly
situated,

Plaintiff,

v.

DSM-FIRMENICH AG, FIRMENICH
INTERNATIONAL SA, FIRMENICH
INC., AGILEX FLAVORS &
FRAGRANCES, INC., GIVAUDAN
SA, GIVAUDAN FRAGRANCES
CORP., GIVAUDAN FLAVORS
CORP., UNGERER & COMPANY,
INC., CUSTOM ESSENCE INC.,
INTERNATIONAL FLAVORS &
FRAGRANCES INC., SYMRISE AG,
SYMRISE INC., AND SYMRISE US
LLC

Defendants.

No.: 2:23-cv-03875-WJM-JSA

**[PROPOSED] ORDER GRANTING
CRIMSON CANDLE SUPPLIES
LLC'S MOTION FOR
CONSOLIDATION OF RELATED
ACTIONS, MOTION FOR
APPOINTMENT OF COHEN
MILSTEIN AND QUINN EMANUEL
AS INTERIM CO-LEAD COUNSEL,
AND MOTION FOR APPOINTMENT
OF CALCAGNI & KANEFSKY LLP
AS LIASON COUNSEL**

Now before the Court is Crimson Candle Supplies LLC's ("Plaintiff's") motion for consolidation of related action, motion for appointment of Cohen Milstein and Quinn Emanuel as interim co-lead counsel, and motion for appointment of Calcagni & Kanefsky as liaison counsel.

The Court hereby ORDERS:

I. Consolidation of Related Actions

1. Plaintiff's motion to consolidate related actions is GRANTED.
2. On July 20, 2023, Plaintiff filed its complaint. See *Crimson Candle Supplies LLC v. DSM-Firmenich AG*, No. 23-cv-03875, Dkt. 1 (D.N.J. July 20, 2023).
3. The complaints in *Candle Shop of the Poconos, Inc. v. Givaudan S.A.*, No. 23-cv-03049, Dkt. 1 (D.N.J. June 2, 2023); *B&E Assocs. v. Firmenich SA*, No. 23-cv-03050, Dkt. 1 (D.N.J. June 2, 2023); *Demeter F.L. Inc. v. Int'l Flavors & Fragrances Inc.*, No. 23-cv-03265, Dkt. 1 (D.N.J. June 14, 2023); *Hanna's Candle Co. v. Int'l Flavors & Fragrances Inc.*, No. 23-cv-03266, Dkt. 1 (D.N.J. June 14, 2023); and *Cospro Dev. Corp. v. Int'l Flavors & Fragrances*, No. 23-cv-03368, Dkt. 1 (D.N.J. June 20, 2023) all raise claims against similar Defendants to those against which Plaintiff brought suit, and each complaint alleges that those Defendants engaged in anticompetitive conduct in violation of the antitrust laws.

4. *Crimson Candle Supplies LLC v. DSM-Firmenich AG, et. al*, No. 2:23-cv-03875-WJM-JSA (D.N.J.) shall be the lead case. The parties are instructed to file all documents in the lead case.

II. Appointment of Interim Co-Lead Class Counsel

5. Plaintiff's motion to appoint Cohen Milstein and Quinn Emanuel Interim Co-Lead Class Counsel is GRANTED.

6. The Court appoints the following firms to serve as Interim Co-Lead Class Counsel for the proposed Class:

- Cohen Milstein Sellers & Toll PLLC
- Quinn Emanuel Urquhart & Sullivan, LLP

7. In making this decision, the Court has reviewed the motion and its accompanying submissions, including declarations and attachments, and has considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure. Plaintiff's submissions demonstrate that Cohen Milstein and Quinn Emanuel have satisfied the requirements of Rule 23(g) for appointment as interim class counsel. This includes the work counsel has done in identifying or investigating potential claims in the action; counsel's experience in handling class actions, antitrust litigation, and the types of claims asserted in the action; counsel's knowledge of the applicable law; and the resources that counsel has available and will commit to representing the class.

III. Appointment of Liaison Counsel

8. Plaintiff's motion to appoint Calcagni & Kanefsky as liaison counsel is GRANTED.

IV. Duties of Interim Co-Lead Class Counsel and Liaison Counsel

9. Interim Co-Lead Class Counsel and Liaison Counsel shall be solely responsible for coordinating and organizing the litigation on behalf of the proposed class in the conduct of this litigation and, in particular, shall have the following responsibilities:

- To brief and argue motions and file opposing briefs in proceedings initiated by other parties;
- To initiate and conduct discovery proceedings;
- To act as spokespersons at pretrial conferences;
- To negotiate with defense counsel with respect to settlement and other matters;
- To appoint, if necessary, a Plaintiffs' Executive Committee to perform tasks at the direction of Interim Co-Lead Class Counsel;
- To call meetings of plaintiffs' counsel when appropriate;
- To make all work assignments to plaintiffs' counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive efforts;

- To establish a time and expense reporting protocol for all Plaintiffs' counsel;
- To conduct trial and post-trial proceedings;
- To consult with and employ experts;
- To allocate any Court-awarded fees and reimbursement of disbursements amongst plaintiffs' counsel after settlement or judgment; and
- To perform such other duties and undertake such other responsibilities as they deem necessary or desirable for the litigation of Plaintiff's claims; and
- To coordinate and communicate with defense counsel with respect to matters addressed in this paragraph.

10. No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff in any Consolidated Action except through Interim Co-Lead Class Counsel. All plaintiffs' counsel in the Consolidated Actions, and in subsequently consolidated or coordinated cases, shall keep contemporaneous time records. In such manner as Interim Co-Lead Class Counsel shall require, all plaintiffs' counsel shall periodically submit summaries or other records of time and expenses to Interim Co-Lead Class Counsel. Failure to provide such documents and data on a timely basis may result in the Court's failure to consider non-compliant counsel's application for fees and expenses should this litigation be resolved successfully for Plaintiffs.

11. The appointments made in this Order shall continue until further order of the court.

IT IS SO ORDERED.

DATED: _____

HON. WILLIAM J. MARTINI
UNITED STATES DISTRICT JUDGE